

STATE OF MAINE DISTRICT COURT

STANDING ORDER OF THE CHIEF JUDGE (A. 6-21)

ESTABLISHMENT OF FAMILY LAW MAGISTRATE PILOT PROJECT

Effective: June 1, 2020
(Revised June 1, 2021)

Effective June 1, 2020, the Chief Judge of the District Court issued this Standing Order, pursuant to 4 M.R.S. § 183(1)(D)(5), to authorize Family Law Magistrates to hear and dispose of all elements of certain final contested actions for divorce with children, legal separation with children, parentage, or parental rights. The Chief Judge of the District Court hereby amends and extends this Order to June 1, 2023.

I. SCOPE

The pilot project authorizes Family Law Magistrates to hear and dispose of all elements of final contested actions for divorce with children, legal separation with children, parentage or parental rights subject to certain conditions as follows:

- A. Parties must consent in writing to having a Family Law Magistrate conduct the final contested hearing and issue a final order that will not be subject to the objection process found in M.R. Civ. P. 118.
- B. Final contested hearings may not take longer than three hours.
- C. All final orders issued by a Family Law Magistrate as part of this pilot project are subject to direct appeal to the Law Court, rather than the objection procedure set forth in M.R. Civ. P. 118.
- D. All final orders issued by a Family Law Magistrate as part of this pilot project are exempt from the holding in *Dietrich v. Dietrich*, 2016 ME 130; 146 A.3d 423. Accordingly, a Family Law Magistrate is authorized to entertain post-judgment motions pursuant to Rules 52 and 59(e) of the Maine Rules of Civil Procedure filed in regard to the final orders issued as a part of this pilot project.

E. This Order does not apply to final orders issued by a Family Law Magistrate when the proceeding is uncontested, or to final orders issued by a Family Law Magistrate after a contested proceeding when child support is the only contested issue.

II. PURPOSE

This Order authorizes the establishment of this pilot project in order to improve the efficiency of the handling of family matters.

III. DURATION

The pilot project shall be extended 24 months to June 1, 2023. The duration of the pilot project may be amended by further order of the Chief Judge of the District Court.

IV. REVIEW

The Family Division of the Administrative Office of the Courts shall submit a report to the Supreme Judicial Court and the Chief Judge of the District Court with findings and recommendations by May 1, 2023. At that time, the Supreme Judicial Court and Chief Judge of the District Court shall make and implement such further recommendations as they deem proper, including extension of the pilot project, if appropriate.

Dated: June 1, 2021

For the Maine District Court:



Jed J. French, Chief Judge

Approval of Family Law Magistrate Pilot Project
Standing Order, Establishment of Magistrate Pilot Project (A. 6-21), dated and effective
June 1, 2021
Signed by: Jed J. French, Chief Judge, Maine District Court

Issued to amend and extend this Standing Order to June 1, 2023.

Historical Derivation of JB-20-02:

Establishment of Magistrate Pilot Project

Effective: June 1, 2020; Dated: May 13, 2020

Signed by: Jed J. French, Chief Judge, Maine District Court

Original promulgation